

## METROPOLITAN AREA PLANNING COMMISSION

### MINUTES

March 21, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 21, 2002, at 1:30 P.M., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Jerry Michaelis, Chair; Bud Hentzen, Vice-Chair; Don Anderson; Bill Johnson; Dorman Blake; Harold Warner; Elizabeth Bishop (late arrival); Frank Garofalo; Ray Warren and Kerry Coulter. James Barfield, David Wells and Ron Marnell were absent. Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; and Rose Simmering, Recording Secretary.

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1. Approval of the MAPC minutes for March 7, 2002.

**MOTION:** That the minutes for March 7, 2002 be approved.

**MICHAELIS** moved, **WARNER** seconded the motion, and it carried (9-0).

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2. Consideration of Subdivision Committee Recommendations

Item 2-1 to 2-6 were taken in one motion

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (10-0).

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2/2. SUB2000-43 – Final Plat of KING'S MAPLE STREET SECOND ADDITION, generally located on the southeast corner of Maple and Ridge Road.

- A. Municipal services are available to serve the site. City Engineering needs to comment on the need for any guarantees or easements. **No guarantees are required.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. **An off-site drainage agreement is needed.**
- D. Dedication of access control except for one opening along the frontage of Ridge Road was required by Protective Overlay #63 associated with Z-3350; however this plat and the abutting plat to the south (King's Maple St. 3rd) indicates a total of two openings. MAPD recommends a joint opening be denoted along the south line of the plat and 150 feet of complete access control dedicated from the intersection. In accordance with the Subdivision regulations, any access openings located within 250 feet of the intersection of Maple and Ridge Road are limited to right-turns only, and shall be referenced on the face of the plat; or a guarantee provided for the future construction of a raised medial. **The Subdivision Committee has approved a joint opening located along the south line of the plat.**
- E. The joint access opening shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- G. Traffic Engineering needs to comment on the need for the dedication of any additional right-of-way. The plat indicates a "corner clip" with a 60-ft half-street right-of-way in lieu of the standard 75-ft major street intersection. **The street right-of-way is approved.**
- H. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- I. "Notice of Protective Overlay" document indicating the Protective Overlay has been filed with the MAPD shall be submitted.
- J. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- K. The Applicant is reminded that a condition of approval of the associated zone change (Z-3360) was the submittal of a restrictive covenant.
- L. The platting binder indicates that a mortgage is being held in this site. This party shall be shown as a signatory on the final plat

tracing or proof provided that the mortgage has been released.

- M. On the final plat, the MAPC signature block needs to reference "J.D. Michaelis, Chair".
- N. The legal description needs to be corrected.
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell has advised that overhead facilities are located within existing easements. Said easements need to be maintained, or the applicant shall pay costs to relocate the cables.**
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (10-0).

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- 2/2. SUB2001-107** – One-Step Final Plat of KING'S MAPLE STREET THIRD ADDITION, generally located south of Maple, on the east side of Ridge Road.
- A. Municipal services are available to serve the site. **City Engineering** needs to comment on the need for any guarantees or easements. Protective Overlay #63 associated with Z-3350 requires the dedication of an additional utility easement for the 16-ft utility easement in order to conform with the 20-foot standard.
  - B. **City Water and Sewer Department** requests the submission of a Hold Harmless Agreement due to the wall easement crossing the utility easement.
  - C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
  - D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
  - E. Complete access control along Summitlawn has been dedicated in accordance with the restrictive covenant to be provided with the associated zone change (Z-3360). Dedication of access control except for one opening along the frontage of Ridge Road was required by Protective Overlay #63 associated with Z-3350, however this plat and the abutting plat to the north (King's Maple St. 2nd) indicate a total of two openings. MAPD recommends a joint opening along the north line of this plat. **The Subdivision Committee has approved a joint opening along the north line of this plat and a joint opening along the south line.**
  - F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed

the number of allowed openings.

- G. The joint access opening shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- H. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- I. "Notice of Protective Overlay" document indicating the Protective Overlay has been filed with the MAPD shall be submitted.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The legal description needs to be corrected to reference Lots 4 and 9 of the Westerlea Addition.
- L. On the final plat tracing, the MAPC signature block needs to reference "J.D. Michaelis, Chair".
- M. The wall easement shall be referenced in the plat's text.
- N. Reference to Sections, Township and Range need to be added.
- O. Dimensions to the section corner are needed.
- P. The face of the plat needs to be redrawn to indicate one lot.
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell has advised that overhead facilities are located within existing easements. Said easements need to be maintained, or the applicant shall pay costs to relocate the cables.**
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (10-0).

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**2/3. SUB2002-03** – Final Plat RITCHIE INDUSTRIAL PARK ADDITION, generally located on the west side of Webb Road and north of 37<sup>th</sup> Street North.

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **An off-site drainage agreement may be needed with the property to the north. The drainage plan is approved. A guarantee is required.**
- D. Complete access controls has been platted along the site's frontage. The final plat shall reference the dedication of access controls in the plat's text.
- E. A contingent street right-of-way has been platted to provide a connection to the abutting property to the north. On the final plat tracing, the contingent dedication needs to be referenced in the plat's text.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- G. The Applicant shall guarantee the paving of the proposed streets to the industrial street standard.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- J. The applicant is reminded that in accordance with the conditions of the Zone Change, a landscape buffer is required along the north and east lines of the plat.
- K. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- L. The Applicant is reminded that in accordance with the zone change approval, a restrictive covenant is required.
- M. The **County Fire Department/GIS** needs to comment on the plat's street names. **The street names are approved.**
- N. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- O. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- P. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.

- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (10-0).

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- 2/4. SUB2002-23** –One-Step Final Plat of WOODBRIDGE SEVENTH ADDITION, generally located south of 21<sup>st</sup> Street North and east of 119<sup>th</sup> Street West.
- A. **City Engineering** needs to comment on the need for guarantees or easements. **A guarantee for extension of sanitary sewer to serve Lots 9 through 13 is needed.**
  - B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
  - C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
  - D. The Applicant has platted 20-ft building setbacks which represents an adjustment of the Zoning Code standard of 25 feet for the SF-5, Single-Family District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
  - E. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lots 312. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width.
  - F. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
  - G. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
  - H. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
  - I. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
  - J. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
  - K. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
  - L. Perimeter closure computations shall be submitted with the final plat tracing.
  - M. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
  - N. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
  - O. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (10-0).

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**2/5.      DR2002-07 - Dedication of Street Right-of-Way, generally located west of Meridian, south of 13<sup>th</sup> Street North.**

CASE NUMBER:                      DED 2002-07-- Dedication of Street Right-of-Way located on the west side of      Meridian, south of 13<sup>th</sup> Street North.

OWNER/APPLICANT:              Roger's Enterprises, Keith L. Anderson, Roger's Enterprises, 1125 S. Rock Road, Wichita, KS 67202

LEGAL DESCRIPTION:              The east 5 feet of the south 150 feet of Lot 1, Sroade Gardens, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2002-10, and is being dedicated for street right-of-way along St. Paul.

Planning Staff recommends that the Dedication be accepted.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (10-0).

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**2/6.      DED2002-08- Dedication of Utility Easement, generally located west of Meridian, south of 13<sup>th</sup> Street North.**

CASE NUMBER:                      DED 2002-08-- Dedication of a Utility Easement located on the west side of      Meridian, south of 13<sup>th</sup> Street North.

OWNER/APPLICANT:              Roger's Enterprises, Keith L. Anderson, Roger's Enterprises, 1125 S. Rock Road, Wichita, KS 67202

LEGAL DESCRIPTION:              The east 20 feet of the west 10 feet of the south 150 feet of Lot 1, Sroade Gardens, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2002-10, and is being dedicated for construction and maintenance of public utilities.

Planning Staff recommends that the Dedication be accepted.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (10-0).

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**3.      Consideration of Subdivision Committee Recommendations.**  
Items 3-1 through 3-3 were taken in one motion.

Warren left the room.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**COULTER** moved, **BLAKE** seconded the motion, and it carried (9-0).

**3/1.      VAC2002-02 – Request to vacate an alley.**

OWNER/APPLICANT:                      City of Wichita c/o Norman Jakovac  
Judy Rogers  
Lloyd Phelps

AGENT:                                      MEKC Engineering Consultants Inc.

LEGAL DESCRIPTION:                      Platted 20-ft alley abutting Lots 1- 19, odd, Garfield Addition on the north and Lots 23 and 24, Garfield Addition on the south.

LOCATION:                                      Generally located northeast of the Meridian Av S – Harry St intersection.

REASON FOR REQUEST:                      The applicant proposes to build a fire station.

CURRENT ZONING:                              Subject property is zoned MF-29 Multi-Family Residential and TF-3 Two-Family Residential. Property to the north, across Irving St, and south is zoned MF-29 Multi-Family Residential and TF-3 Two-Family Residential. Properties to the east are zoned

TF-3 Two Family Residential. Property to the west, across Meridian Av, is zoned MF-29 Multi-Family Residential.

The applicants are requesting the platted 20-ft alley be vacated. The vacation of the alley would extend the applicants' property lines to the middle of the alley, an additional 10-feet for the 3 properties. The vacated alley would move the interior side yard setback on all 3 properties. The interior side yard setback would be 6-ft. This would allow the applicant, the City of Wichita, on the north side to build a fire station without encroaching into the interior side setback. There are utilities in the alley. There is a Conditional Use request, for the fire station, associated with the vacation request.

Planning Staff recommends the vacation request.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time February 28, 2002, which was at least 20 days prior to this public hearing.
  2. That private rights will not be injured or endangered by the vacation of the above-described platted alley and the public will not suffer loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the platted alley described in the petition should be approved subject to the following conditions:
- (1) Retain the alley as a utility easement.
  - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
  - (3) All improvements shall be according to City Standards.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**COULTER** moved, **BLAKE** seconded the motion, and it carried (10-0).

**3/2. VAC2002-00003 – Request to Vacate Davis Drive.**

<b>APPLICANT:</b>	Pete & Lois Chaves Greg Shurtz Jamison Maple Ronald Murray
<b>LEGAL DESCRIPTION:</b>	A portion of Davis Drive, a platted un-improved residential road, abutting Lots 5 & 4, Blk 21, Purcell's 11 <sup>th</sup> Addition on the north and abutting Lot 1, Blk 20, Purcell's 11 <sup>th</sup> Addition and the north 132-ft of an unplatted tract.
<b>LOCATION:</b>	Generally located northwest of the 47 <sup>th</sup> St S – Seneca Street intersection.
<b>REASON FOR REQUEST:</b>	The applicants propose to extend their yards into the road.
<b>CURRENT ZONING:</b>	Subject property is Public ROW, all surrounding properties are zoned SF-5 Single Family Residential.

The applicants are requesting a portion of the platted residential road, Davis Drive, be vacated. Davis Drive is an un-improved 2 block long (running east to west) residential road that connects 3 other residential roads. Currently the City has barricades erected at the points of intersection where Fern, Millwood and Vine Streets join Davis Drive. Davis was dedicated to provide access on the south ends of Millwood and Fern to Vine St. Vine St is a residential collector (running north – south) going to 47<sup>th</sup> St S. Millwood and Fern, at this point between 46<sup>th</sup> St S and Davis Drive, are short blocks with 4 lots on either side of them. Their length is approximately 250-ft. The City has no plans to pave Davis Drive or remove the barricades. Access for the lots on Fern & Millwood is provided by 46<sup>th</sup> St South, on their north end. There is sewer running across Davis Drive from between Lots 4, Blk 20 & 5, Blk 21, Purcell's 11<sup>th</sup> Addition, on the north, to the unplatted tract on the south. There is water and utilities in Davis Drive, running east – west.

Planning Staff recommends the vacation request.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time February 28, 2002, which was at least 20 days prior to this public hearing.
  2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted road and the public will not suffer loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the platted road described in the petition should be approved subject to the following conditions:

(1) Retain the road as a utility easement.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

(3) All improvements shall be according to City Standards.

(4) Guarantee this portion of Davis Drive be constructed as a private drive.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**COULTER** moved, **BLAKE** seconded the motion, and it carried (10-0).

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**3/3.      VAC2002-04 - Request to Vacate platted access control.**

**OWNER/APPLICANT:** William F Farha Trust

**AGENT:** Baughman Company, PA c/o Russ Ewy

**LEGAL DESCRIPTION:** Platted 52-ft (x) 30-ft joint access, located between Lots 5 & 6, Brush Creek 3<sup>rd</sup> Addition, CUP DP-128.

**LOCATION:** Generally located northeast of the 37th St N – Woodlawn Blvd intersection.

**REASON FOR REQUEST:** The applicant proposes relocation of the current joint access 50-ft east (center of current access to center of proposed access) to provide joint access to conform to a boundary shift.

**CURRENT ZONING:** Subject property is zoned LC Limited Commercial. Properties to the south, west and east are zoned LC Limited Commercial. Properties to the north are zoned LC Limited Commercial and MF-18 Multi-Family Residential.

The applicant proposes relocation of the current joint access 50-ft east (center of current access to center of proposed access) to provide joint access to conform to a boundary shift. The boundary shift reflects Lot 5 becoming 50-ft wider. Dedication of a new joint access between Lots 5 & 6, Brush Creek 3<sup>rd</sup> Addition, must be recorded with the Register of Deeds. A Boundary Shift must be recorded with the Register of Deeds to reflect the new configurations of Lots 5 & 6. An Administrative Adjustment must be applied for to reflect the change in CUP DP-128, in reference to the new joint access and the boundary shift. Planning Staff recommends the request

Planning Staff recommends the vacation request.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time February 28, 2002, which was at least 20 days prior to this public hearing.

2. That private rights will not be injured or endangered by the vacation of the above-described access control and the public will not suffer loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be approved.

C. Therefore, the vacation of the platted access control described in the petition should be approved subject to the following conditions:

(1) Dedication of revised access control per site plan - exhibit.

(2) Dedication of new joint access between Lots 5 & 6, Brush Creek 3<sup>rd</sup> Addition must be recorded with the Register of Deeds.

(3) A Boundary Shift must be recorded with the Sedgwick County Clerk's Office.

(4) An Administrative Adjustment must be applied for to reflect the change in CUP DP-128 in reference to new access control, joint access and the boundary shift between Lots 5 & 6, Brush Creek 3<sup>rd</sup> Addition.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.



**COULTER** moved, **BLAKE** seconded the motion, and it carried (10-0).

Warren returns.

4. **Case No. ZON2002-06-** Mark Eggel requests Zone Change from "SF-20" Single-Family Residential & "LC" Limited Commercial to "SF-10" Single-Family Residential on property described as:

The East Half of Lot 10, Spurrier's La Homa Acres, Sedgwick County, Kansas. Generally located Northeast of the Greenwich Road – Pawnee Street intersection, in an unincorporated section of Sedgwick County.

**BACKGROUND:** The applicant requests a zone change from "SF-20" Single-Family Residential & "LC" Limited Commercial to "SF-10" Single Family Residential on the east ½ of Lot 10, Spurrier's La Homa Addition. The property is located on Crest Street, approximately 800-feet northeast of the Greenwich Road – Pawnee Street intersection. The northern ½ of the lot is currently zoned "SF-20" Single-Family " while the southern ½ is "LC" Limited Commercial. The applicant wants the whole lot to be "SF-10" Single Family Residential. The lot is currently vacant and the applicant proposes to develop it as single family residential. There is a proposed Lot Split pending on the approval of the zoning change, which proposes to create two lots, each being approximately 19,400 square-feet.

The lot is located in an unincorporated area of Sedgwick County. The immediate area around the site is partially developed as single family residential with some vacant properties. Southwest of the site, the commercial node that occupies the 4 corners of the Greenwich – Pawnee intersection (600 square-foot x 600 square-foot area) is largely undeveloped. There are 2 commercial developments in the node, a club – restaurant on the southeast corner and a small retail development on the northeast corner. The rest of southeast and northeast areas are developed as single family residential with some vacant properties. The southwest section of the commercial node and its immediate area are not developed. The northwest section of the commercial node and its immediate area are developed as single family residential, with some large areas of vacant properties. The City limits are approximately ½ mile north and east of the Greenwich Road – Pawnee Street intersection. There is a higher density single-family residential development in these areas, reflecting their "SF-5" zoning.

The site and all of the lots in the western half of the plat (Lots 6 – 12 & 14, total of 8 original lots) were originally larger lots than they are today, per the Spurrier's La Homa Acres Addition, as recorded in 1948. Originally the 8 lots were approximately 77,436 square-feet each, which is 1.77 acres. Since 1950 13 Lot Splits have been recorded with the Register of Deeds on these 8 lots, giving them their present configuration of 21 lots. These 21 lots are typically, either approximately 17,575 square-feet or 35,750 square-feet in size. The one exception is a lot of approximately 56,628 square-feet. Seven of the lots are smaller than the required minimum lot size of 20,000 square-feet for their current zoning of "SF-20." One of these smaller lots abuts the site on the north with another 2 smaller lots adjacent to it on the north –northwest side and another 2 smaller lots adjacent to it on the south. All five lots are developed, as are the remaining 2 smaller lots of the 7 smaller lots in this part of the plat.

There have been two similar cases in the immediate area. On February 26, 1998, SCZ-0762 requested a zoning change from "SF-20" to "SF-10". The sketch plat proposed two lots, one approximately 11,600 sq-ft and the other approximately 23,165 sq-ft. This request was recommended by the Planning Staff, approved by the MAPC and denied by the BCC. On April 24, 1997, SCZ-0737 was recommended by Staff, denied by the MAPC (after a motion to approve failed) and withdrawn by the applicant prior to going to the BCC. There was considerable neighborhood opposition to SCZ-0737, because of the proposed division of 2 lots, totaling 1.4 acres, into 5 lots of approximately 12,200 square-feet each.

**CASE HISTORY:** The site's legal description is the east ½ of Lot 10, Spurrier's La Homa Acres Addition. Spurrier's La Homa Acres Addition was recorded with the Register of Deeds in September 1948. There was a Lot Split recorded with the Register of Deeds on the site, Lot 10, in June 1950. This Lot Split gave the site its present size and configuration. The southern ½ of the site is zoned "LC" Limited Commercial and represents a portion of the original 600 square -foot by 600 square -foot commercial nodes established at the four corners of sectional roads in the 1958 Zoning Map of Sedgwick County. At the same time the northern ½ was zoned "R-1" Suburban Residential. The "R-1" Suburban Residential zoning was later changed to its current zoning designation of "SF-20" zoning.

#### **ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-20" Single-Family Residential	Single-Family Residential
SOUTH:	"LC" Limited Commercial	Single-Family Residential
EAST:	"SF-20" Single-Family Residential	Single-Family Residential
WEST:	"SF-20" Single-Family Residential	Single-Family Residential
	"LC" Limited Commercial	Retail

**PUBLIC SERVICES:** The site has access to south Crest Street, a paved, not curbed two-lane residential street. South Crest intersects on the south with Pawnee, a paved two lane County arterial. South Crest intersects on the north with east Bellaire Avenue a paved two lane residential road, which in turn intersects with Greenwich Road. Greenwich Road is a paved two lane County arterial. Public water and sewer are available.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. Low Density Residential provides for the lowest density of urban residential land use, at 1 – 6 dwelling units per acre. Development can consist of single family detached homes, zero lot line units, cluster subdivisions and planned developments with mixed housing types that may include townhouses and multi-family. Schools, churches and other similar uses may be found in this category. The Sedgwick County Development Guide of the Comprehensive Plan identifies this area as part of the 2010 Urban Service Area.

The Comprehensive Plan's objective is to guide future growth and development to areas that can be served by existing public facilities and services and the allocation of land for desired uses. The zoning change request of "LC" & "SF-20" to "SF-10" meets the Comprehensive Plan's objective.

**RECOMMENDATION:** Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding properties are zoned "LC" and "SF-20". Development of the area is almost exclusively single family residential with some vacant/undeveloped tracts and two small commercial developments on the southeast and northeast corners of the Pawnee – Greenwich intersection. The area's residential development was damaged by the tornado that went through east Wichita, McConnell Air Base and Andover several years ago, creating vacant properties. Subsequently there have been some newer single-family residential homes built and some residentially designed manufactured housing installed in the area. The proposed size and width of the proposed 2 lots would be consistent with the 7 other lots in this section of the plat and other lots in the area.
2. The suitability of the subject property for the uses to which it has been restricted: The northern ½ of site is zoned "SF-20" Single-Family Residential and the southern ½ "LC" Limited Commercial. "SF-20" Single-Family Residential zoning accommodates low-density, single-family residential development and complementary land uses. "LC" Limited Commercial accommodates either small commercial development offering service to the immediate neighborhood and up to large-scale retail areas offering regional services. The site could be developed as one lot for single family residential. The site's location at the mid-point of a residential road and not on an arterial intersection makes it unsuitable for commercial development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The surrounding land use pattern is a mixture of lot sizes, some conforming to the property development standards of "SF-20" zoning and some not. There has been a history of Lot Splits recorded and developed with less than the 20,000 sq-ft minimum lot size required for "SF-20" zoning. As previously reported, the original 8 lots in this section of the plat now number 21 lots and 7 of them are less than 20,000 square-feet, those 7 lots being approximately 17,575 square-feet. The applicant's proposed Lot Split would create two lots, each approximately 19,400 sqft in area. If not for the fact that the proposed lots' widths are more than 10% narrower than the 100-foot lot width for the "SF-20" zoning districts, the applicant could have applied for an Administrative Adjustment that would have allowed for a 10% reduction of the minimum lot width. The minimum allowed for "SF-20" zoning through an Administrative Adjustment is 18,000 square-feet for lot size (the applicant's lots are approximately 19,400 square-feet) and 90-feet for lot width (the applicant's lots are approximately 81.38-feet wide).
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential". The zoning change request for "SF-10" is in conformance to the Comprehensive Plan and policies.
4. Impact of the proposed development on community facilities: All public services are available or readily accessible, traffic and other impacts will be as expected; minimal.

BILL LONGNECKER Planning staff presented the staff report. Staff looked at giving the applicant an administrative adjustment, however an administrative adjustment will not allow the lot width he proposes, so he needs the zone change.

MARK EGCEL, Applicant, 2240 S. Crest, indicated he lives directly east of the property. He is in agreement with staff recommendations.

ROBERT KANDT, 2244 Clay Lane, stated he wasn't against the sewer, but was against the rezoning application heard some years ago. He spoke with Jim Weber about the sewer. I am paying for a new sewer and I don't want to pay for another one. People like the open spaces. Why does this guy want to go to SF-10? Why not keep to SF-20? I am against this zone change because of the sewer and the water pressure is low.

KEN FERGUSON, 2230 Crest, said he was against the zone change. It is nice without having a lot of development in the neighborhood.

BISHOP I would like to ask if you are aware that one-half of the area is zoned LC presently?

FERGUSON Yes, but I am not worried about them building a business on this street when they can build on Greenwich one block away.

ART GRIFFITH Agent, Griffith and Associates, I don't think 14 houses will overload the sewer out there.

GAROFALO Plan just to put two homes? No more than that?

GRIFFITH No more than 2 homes.

HENTZEN Longnecker, what is the water source?

LONGNECKER City water, Mr. Younkin of the Water Department didn't have concerns about this lot split or the capacity of the water and sewer service.

BLAKE What about the low water pressure?

LONGNECKER I can't answer that. We would need to ask Mr. Younkin.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MCKAY** moved, **WARNER** seconded the motion, and it carried (11-0).

5. **Case No. ZON2002-08** - Sisters of St. Joseph (owner); Baughman Company, c/o Phil Meyer (agent) request Zone Change from "TF-3" Two Family Residential to "B" Multi-Family on property described as:

The Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 26, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the West 150.00 feet thereof. Generally located 150 feet east of South Roosevelt Avenue, north of Zimmerly Street.

**BACKGROUND:** The applicant requests "B" Multi-family zoning on an unplatted 7.3 acres located east of Roosevelt Ave., west of Bluff View, and north of Zimmerly. The parcel is currently zoned "TF-3" Two-Family Residential, and is used as open space. The proposed use would be approximately 65 to 70 apartment units for elderly independent living.

The applicant, the Sisters of St. Joseph, is a charitable corporation. The applicant also owns over 35 acres of contiguous property to the north of the application area; this property is zoned "B" and "TF-3", and used for open space, religious facilities, and living facilities. South of the application area is property zoned "TF-3" and developed with single and two-family residential units. East of the application area is property zoned "B"; immediately east of the application area is a creek and open space, further east is small lot single-family residential units. West of the application area is "TF-3" zoned open space and single-family residential units. The current neighborhood character is a mix of "B" and "TF-3" zoned open space, a large religious complex, single family-housing units, and two-family housing units. The proposed zone change, from "TF-3" to "B" would require conformance to all property development standards in the Unified Zoning Code.

The applicant proposes that the primary site access be from the east, off Bluff View (see the attached site plan). Bluff View is a collector, and should be able to accommodate this potential traffic increase. This access plan requires deeded park land from the City, which will require future approval from the Park Board.

**CASE HISTORY:** None.

**ADJACENT ZONING AND LAND USE:**

NORTH: "B"	open space, religious and housing complex
SOUTH: "TF-3"	single and two-family residential
EAST: "B"	open space, single and two-family residential
WEST: "TF-3"	open space, single-family residential

**PUBLIC SERVICES:** To the west of the application area lies South Roosevelt, an un-paved two-lane residential road with a 30-foot right of way. South of the application area lies East Zimmerly, a paved two-lane residential road with a 30-foot right of way. East Zimmerly is paved west of South Quentin, but is only platted and undeveloped east of South Quentin. The applicant proposes a primary entrance off Bluff View, a 75-foot right of way collector street (see attached site plan). Traffic counts are not available for either of the residential streets, this section of Bluff View had a traffic count in March 2001 of 2,504 ADTs (average daily trips), no traffic projections are available for this section of Bluff View. However, the proposed use can be expected to generate an additional 50-200 daily trips on the collector street.

City water and sewer are available at the application area.

**CONFORMANCE TO PLANS/POLICIES:** The recently updated and adopted "Wichita Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies the application area as "Public/Institutional", and adjacent areas to the east are identified as "High Density Residential" and "Medium Density Residential." The Unified Zoning Code defines the "B" zoning district as generally compatible with the "High Density Residential" designation of the Comprehensive Plan; however, the proposed use could be considered consistent with the "Public/Institutional" designation of the Plan as well. The application area is also consistent with the "Public/Institutional Locational Guidelines" and "Residential Locational Guidelines" of the *Wichita-Sedgwick County Comprehensive Plan*.

**RECOMMENDATION:** This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and Locational Guidelines. A zone change to "B" and the proposed development will require the application area to be in compliance with the landscape ordinance and all property development standards of the Unified Zoning Code. The application area, along with the existing Sisters of St. Joseph complex, will continue to be well buffered from residential neighbors with ample open green space (see the attached site plan). The application area must be platted prior to development; staff would anticipate a 30-foot half street right of way dedication on both Roosevelt and Zimmerly as a condition of platting. Likewise, staff would anticipate dedication of access control with the exception of planned access points.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is a mixture of "B" and "TF-3" zoning, and a mixture of religious, multi-family, single-family, and two-family uses. Landscape requirements, and existing open space should mitigate any negative impacts from the application area onto the surrounding residential neighbors.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed as currently zoned, for single or two-family residences. However, the "Wichita Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies the application area as "Public/Institutional", a consistent designation with the proposed use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "B" zoning on this property, and the proposed subsequent development of elderly independent living apartments, could increase traffic in the immediate area. This increase in traffic would be minimal, as the proposed use is not expected to generate significant daily trips. The existing Sisters of St. Joseph complex currently fits well within this residential setting. The proposed development would leave a 150-foot green open space buffer between itself and the residential properties on Roosevelt to the east, mitigating any impact on these residential neighbors.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide," and it is in conformance with the locational guidelines of the plan.
5. Impact of the proposed development on community facilities: A zone change at the application area to "B" could increase traffic in the immediate residential area; however, any increase in traffic due to the proposed use would be slight. As an elderly housing facility, this proposal would potentially generate less traffic than conventional development under the current "TF-3" zoning.

JESS MCNEELY, Planning staff, presented the staff report.

RUSS EWY Agent, indicated they were in agreement with staff comments.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**HENTZEN** moved, **COULTER** seconded the motion, and it carried (11-0).

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The Metropolitan Area Planning Commission informally adjourned at 1:50 p.m.

State of Kansas     )  
Sedgwick County    ) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Marvin S. Krout, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)